

Message Text

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ACTION SCS-03

INFO OCT-01 ARA-10 ISO-00 EUR-06 CG-00 DOTE-00 L-03 SCA-01

H-03 /027 W

----- 012920

R 211737Z AUG 74

FM AMCONSUL BELIZE

TO SECSTATE WASHDC 3642

LIMITED OFFICIAL USE SECTION 1 OF 3 BELIZE 463/1

E.O. 11652: N/A

TAGS: CGEN (VESSELS AND SEAMEN)

SUBJECT: VESSEL "SEA INSPECTOR"

REF: BELIZE 439 AND PREVIOUS

1. ON AUGUST 13 EVANDER HAMILTON, JR. APPEARED AT THE CONSULATE GENERAL BEARING THE CERTIFICATE OF REGISTRY FOR THE "SEA INSPECTOR" AND A POWER OF ATTORNEY FROM JOHN VANCE. HE SAID THAT HE WANTED TO KNOW IF THERE WAS ANY LEGAL IMPEDIMENT TO HIS TAKING POSSESSION OF THE VESSEL. I TOLD HIM THAT I KNEW OF NONE, BUT I CHECKED WITH THE COMMANDER OF THE EASTERN DIVISION OF THE BELIZE POLICE FORCE AND WITH THE SENIOR SUPERINTENDENT AT BELMOPAN. BOTH SAID THAT NO IMPEDIMENT EXISTED. BOTH SAID THAT THE VESSEL WAS AT PUNTA GORDA. I TOLD THEM BOTH THAT HAMILTON AND TWO AMERICAN CITIZENS, WHOM HE HAD BROUGHT WITH HIM TO TAKE THE VESSEL BACK TO THE U.S., WERE GOING TO PUNTA GORDA AND TAKE POSSESSION OF THE VESSEL. NEITHER VOICED ANY OBJECTIONS.

2. DURING THE AFTERNOON OF THE 13TH HAMILTON CALLED ME FROM PUNTA GORDA TO SAY THAT THE POLICE THERE WOULD NOT ALLOW HIM TO BOARD THE VESSEL. THE REASON THE POLICE GAVE, ACCORDING TO HAMILTON, WAS THAT "HE WOULD GET SHOT." I SPOKE WITH THE COMMANDING OFFICER OF THE POLICE AT PUNTA GORDA AND ASKED HIM WHY HE WAS PREVENTING HAMILTON FROM BOARDING THE VESSEL. HE SAID THAT "HIS HANDS WERE TIED" AND THAT I WOULD HAVE TO CON-

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SULT WITH BELMOPAN. HAMILTON THEN SAID THAT HE WAS RETURNING TO BELIZE CITY.

3. I TALKED WITH SENIOR SUPERINTENDENT OF POLICE, ESMOND WILLOUGHBY, AT BELMOPAN IMMEDIATELY AFTER TALKING WITH HAMILTON. HE SAID THAT HE WOULD HAVE TO SEE THE SHIP'S DOCUMENTS BEFORE MAKING UP HIS MIND ABOUT WHAT ACTION THE POLICE COULD TAKE. I TOLD HIM THAT WE HAD RECEIVED CONFIRMATION OF THE VALIDITY OF THE SHIP'S PAPERS FROM THE DEPARTMENT OF STATE AND THAT I WOULD SEND HIM A FOLLOW-UP LETTER TO THAT EFFECT IF HE WOULD ACCEPT MY WORD FOR THEIR VALIDITY OVER THE TELEPHONE. HE SAID THAT HE WOULD HAVE TO SEE THE PAPERS AND WOULD BE DELIGHTED TO RECEIVE HAMILTON IN HIS OFFICE AT BELMOPAN "FIRST THING" THE NEXT MORNING. I TOLD HIM THAT I CONSIDERED HIS REQUEST UNNECESSARY, BUT THAT I WOULD GIVE HIS REQUEST TO HAMILTON WHEN HE RETURNED.

4. THAT EVENING HAMILTON CALLED ME TO SAY THAT THE VESSEL HAD LEFT PUNTA GORDA AT 4:00 P.M. THAT AFTERNOON AND APPEARED TO BE HIDDEN UP THE RIO GRANDE, JUST TO THE NORTH OF PUNTA GORDA. HE SAID THAT CUSTOMS HAD CLEARED THE BOAT TO LEAVE PUNTA GORDA AND THAT THE CLEARANCE HAD BEEN GIVEN TO FRANK DERKITS. I EXPLAINED TO HIM THAT WE HAD TOLD THE CUSTOMS DEPARTMENT UPON RECEIVING CONFIRMATION OF THE "SEA INSPECTOR'S" REGISTRY THAT SHE WAS A U.S. FLAG VESSEL, THAT SHE WAS OWNED BY A U.S. CITIZEN AND THAT SHE COULD ONLY BE COMMANDED BY A U.S. CITIZEN. HAMILTON FURTHER STATED THAT WHEN HE INFORMED THE POLICE AT PUNTA GORDA THAT THE BOAT WAS BEING STOLEN, THE POLICE HAD REFUSED TO RECEIVE HIS COMPLAINT, SAYING HE WOULD HAVE TO "CHECK WITH BELMOPAN."

5. ON THE MORNING OF AUGUST 14 I TELEPHONED THE POLICE COMMISSIONER AND ASKED HIM TO PLEASE EXPLAIN WHAT HAD HAPPENED IN PUNTA GORDA THE PREVIOUS DAY. THIS WAS THE FIRST OF SEVERAL HEATED CONVERSATIONS WITH HIM THAT DAY AND THE NEXT. I ASKED HIM WHY THE POLICE IN PUNTA GORDA HAD PREVENTED HAMILTON FROM GOING ON BOARD THE "SEA INSPECTOR?" HE REPLIED THAT THE POLICE WERE NOT CONVINCED THAT HAMILTON REPRESENTED THE OWNER. THEN WHY DID THE POLICE DO NOTHING TO INVESTIGATE HAMILTON'S ALLEGATION? AND WHEN THE BOAT WAS LEAVING PUNTA GORDA IN PLAIN SIGHT OF THE POLICE STATION, WHY DID THE POLICE NOT TAKE HAMILTON'S LIMITED OFFICIAL USE
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COMPLAINT THAT THE VESSEL WAS BEING STOLEN? HE SAID THAT CUSTOMS HAD GIVEN A PORT CLEARANCE TO THE VESSEL, AND WHEN I ASKED HIM HOW CUSTOMS COULD CLEAR A VESSEL THAT CLEARLY WAS NOT IN THE POSSESSION OF ITS OWNER OR ITS REPRESENTATIVE, HE REPLIED THAT WAS A CUSTOMS MATTER. HE ALSO REFERRED ME TO THE GOVERNOR.

5. I TOOK HIS ADVICE AND CALLED H.E. I BRIEFED HIM ON THE PROBLEM AND EXPLAINED TO HIM "INFORMALLY" AND "OFF THE RECORD"

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ACTION SCS-03

INFO OCT-01 ARA-10 ISO-00 EUR-06 CG-00 DOTE-00 L-03 SCA-01

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R 211737Z AUG 74

FM AMCONSUL BELIZE

TO SECSTATE WASHDC 3643

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MY INABILITY TO UNDERSTAND POLICE ACTIONS IN THIS CASE. I TOLD HIM THAT THE POLICE WERE GIVING ME THE IMPRESSION THAT THEY WERE TRYING TO IMPEDE HAMILTON. HE SAID THAT HAMILTON SHOULD GO THROUGH THE COURTS. I REPLIED THAT FIRST HE HAD TO BE ABLE TO MAKE A COMPLAINT TO THE POLICE. HE PROMISED TO CALL THE COMMISSIONER AND THE DIRECTOR OF PUBLIC PROSECUTION.

6. LATE IN THE MORNING THE COMMISSIONER CALLED TO SAY THAT HAMILTON SHOULD GO TO THE COMMANDING OFFICER OF THE EASTERN DIVISION IN BELIZE CITY, SUPERINTENDENT WINSTON CARCAMO, AND STATE HIS CASE. I CONTACTED HAMILTON AND HIS LAWYER, JOSEPH GRAY, AND THEY AGREED TO MEET WITH ME AT MY OFFICE BEFORE 1:30 P.M. AND WE WOULD GO DIRECTLY TO SEE CARCAMO. I THEN MADE AN APPOINTMENT WITH CARCAMO FOR 2:00 P.M. WHEN GREY AND HAMILTON ARRIVED I MADE COPIES OF THE SHIP'S DOCUMENTS FOR CARCAMO. WHEN WE ARRIVED AT THE POLICE STATION AT 2:00 P.M. CARCAMO WAS NOT THERE.

7 HIS SECRETARY MADE AN ELABORATE FUSS ABOUT FINDING HIM, AND A HALF HOUR LATER CARCAMO ARRIVED. I TOLD HIM THAT THE "SEA INSPECTOR" WAS A U.S. REGISTERED VESSEL AND AS SUCH IT COULD ONLY BE OWNED BY A U.S. CITIZEN, ETC. THEN GRAY TOLD CARCAMO THAT HIS CLIENT WANTED TO TAKE POSSESSION OF THE "SEA INSPECTOR" AND PLACE HIS MASTER ABOARD. HE STATED THAT HAMILTON WAS PREPARED TO POST BOND IN THE AMOUNT OF DERKITS' CLAIM IF ONLY DERKITS WOULD MAKE THAT CLAIM IN A COURT. HE ARGUED THAT IN ANY CASE THE CLAIM WAS AGAINST THE PREVIOUS OWNER, RALEIGH

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ABNER, AND NOT THE OWNER AND WAS A CIVIL CLAIM. MEANWHILE, HAMILTON WAS ASKING POLICE ASSISTANCE IN LOCATING AND GOING ON BOARD THE VESSEL. HAMILTON THEN SAID THAT HE WAS NOT INTERESTED IN PRESSING CRIMINAL CHARGES AGAINST DERKITS OR ANYBODY ELSE IF ONLY HE COULD GO ON BOARD THE VESSEL. CARCAMO SAID THAT HE WOULD HAVE TO CHECK WITH HIS SUPERIORS, AND THAT HE WOULD TELEPHONE ME WITHIN THE HOUR.

8. UPON RETURNING TO THE CONSULATE GENERAL I FOUND SENATOR SIMEON HASOCK, DERKITS' LAWYER, WAITING FOR ME. HE GAVE ME A COPY OF AN ORDER FROM THE "VICE-ADMIRALTY COURT IN BELIZE" DIRECTED TO THE "OWNERS AND ALL OTHERS INTERESTED IN THS SHIP 'SEA INSPECTOR.'" THE ORDER IS DATED AUGUST 14, 1974. HASOCK SAID THAT HE WOULD ASK THE COURT TO ARREST THE SHIP ON AUGUST 15.

9. RIGHT AFTER HASOCK LEFT, CARCAMO CALLED TO SAY THAT AFTER CHECKING WITH THE DIRECTOR OF PUBLIC PROSECUTIONS, THE DIRECTOR WAS "SATISFIED THAT THERE WAS NO CRIMINAL OFFENCE COMMITTED IN RESPECT OF THE M/V 'SEA INSPECTOR,' AND THEREFORE, WE SEE NO REASON TO INTERVENE FURTHER."

10. I TOLD HAMILTON, WHO WAS IN MY OFFICE BY THAT TIME, THE DECISION OF THE POLICE AND SUGGESTED THAT HE FIGHT HIS CASE IN COURT. INSTEAD HE BECAME APOPLECTIC. AFTER CALMING DOWN SOMEWHAT HE SAID THAT HE WAS GOING TO HIRE SOME MEN AND TAKE OVER THE "SEA INSPECTOR." I TOLD HIM THAT IF HE BROKE BELIZEAN LAW, HE DID SO UNDER HIS OWN RESPONSIBILITY. SUBSEQUENTLY, HAMILTON HIRED A LOCAL TUG ON AUGUST 15, WENT TO PUNTA GORDA, BOARDED THE VESSEL AND TOOK POSSESSION, FOUND THAT DERKIT'S CREW HAD DONE CONSIDERABLE DAMAGE AND TOWED THE SHIP TO BELIZE CITY WHERE THE VICE ADMIRALTY COURT ARRESTED IT. HAMILTON'S AGENT HERE, BUCANEER LINES, LTD., TOLD ME THAT DERKITS HAD TRIED TO BRIBE THE OWNER OF THE TUG TO SINK THE VESSEL, AND HAMILTON ALLEGES THAT DERKITS TRIED TO BRIBE HIS ATTORNEY, JOSEPH GRAY. HAMILTON SAYS THAT THE VESSEL HAS BEEN CONSIDERABLY DAMAGED AND STRIPPED. THE OIL AND WATER WAS DRAINED FROM THE ENGINES, MANY WINDOWS BROKEN, THE SEA COCKS OPENED IN THE BOW COMPARTMENTS AND THE STEERING GEAR DAMAGED. HE PRESENTED A COMPLAINT TO THE POLICE, WHICH THIS TIME WAS ACCEPTED, AND INTENDS TO SUE DERKITS FOR THE ENTIRE AMOUNT. HOWEVER, HE IS CONVINCED THAT DERKITS DOES NOT HAVE THE MONEY TO COVER THE DAMAGE.

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11. COMMENT: NOBODY WOULD DESCRIBE EVANDER "RED" HAMILTON AS A POLLYANNA, BUT HIS ALLEGATION THAT THE BELIZE POLICE FORCE

INTENTIONALLY HARRASSED HIM MAKES SENSE. INDEED IT IS THE ONLY LOGICAL EXPLANATION FOR THE DELAYING, FOOT DRAGGING AND EVASIVENESS SHOWN BY THE POLICE AND CUSTOMS. WE HAVE ASKED THE POLICE SEVERAL TIMES SINCE AUGUST 5, WHEN HAMILTON FIRST APPEARED AT THE CONSULATE GENERAL, IF THERE WAS ANY LEGAL IMPEDIMENT TO THE LEGAL OWNER OR HIS AGENT TAKING POSSESSION OF THE VESSEL AND PROCEEDING TO SEA. EACH TIME THE ANSWER WAS THAT NO IMPEDIMENT EXISTED. SEVERAL TIMES WE TOLD CUSTOMS OFFICIALS THAT THE

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R 211737Z AUG 74

FM AMCONSUL BELIZE

TO SECSTATE WASHDC 3644

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"SEA INSPECTOR" WAS A U.S. FLAG VESSEL AND COULD ONLY BE COMMANDED BY AN AMERICAN SIGNED ON AS MASTER ON THE SHIP'S REGISTER. YET CUSTOMS CLEARED THE VESSEL TO LEAVE PUNTA GORDA ON AUGUST 13. SEVERAL TIMES WE ASKED SENIOR POLICE OFFICERS IF IT WOULD NOT BE A GOOD IDEA TO KEEP THE VESSEL WHERE SHE LAY UNTIL A COURT COULD DECIDE ON THE MERITS OF THE ARGUMENTS PRESENTED BY THE CONTENDING PARTIES, AND THE POLICE PROMISED TO KEEP THE SHIP WHERE SHE WAS. YET THE POLICE DID NOTHING TO PREVENT THE VESSEL FROM LEAVING PUNTA GORDA. SEVERAL TIMES HAMILTON TRIED TO FILE COMPLAINTS WITH THE POLICE THAT THE VESSEL WAS BEING MOVED WITHOUT THE OWNER'S PERMISSION, AND EACH TIME THE POLICE DECIDED NOT TO RECEIVE THE COMPLAINT, FINALLY DECIDING THAT "THERE WAS NO CRIMINAL OFFENCE COMMITTED," ... "AND, THEREFORE, WE SEE NO REASON TO INTERVENE FURTHER." FINALLY, WHEN HAMILTON' LAWYER ASKED THE POLICE TO GIVE HIM THE NAMES OF THE PERSONS ON BOARD THE VESSEL TO FILE A COMPLAINT IN COURT - BECAUSE UNDER BELIZEAN LAW A COMPLAINT HAS TO BE FILED AGAINST A PERSON OR OTHER LEGAL ENTITY - THE POLICE IGNORED HIS REQUEST. INDEED IF THE POLICE HAD INTERVENED, OR AT LEAST SAID THAT THEY WOULD IN FACT PREVENT

HAMILTON FROM TAKING POSSESSION OF THE VESSEL, THEN A GREAT DEAL OF TROUBLE, DAMAGE AND EXPENSE WOULD HAVE BEEN AVOIDED. BUT EVEN THIS SIMPLE COURTESY WAS NOT FORTHCOMING, EITHER TO US OR TO HAMILTON. HAMILTON, AS FAR AS WE CAN ASCERTAIN, HAS A LEGITIMATE COMPLAINT.

12. IN ACCORDANCE WITH 7 FAM 521.2-1 THE CONSULATE GENERAL IS HOLDING THE "SEA INSPECTOR'S" REGISTER AND WILL DO SO UNTIL HER LIMITED OFFICIAL USE

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MASTER OR AGENT SHOWS US A PORT CLEARANCE.

13. WE WOULD APPRECIATE THE DEPARTMENT'S COMMENTS AND RECOMMENDATIONS FOR WHAT FURTHER ACTION WE SHOULD TAKE. DRISCOLL

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Decaption Note:
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Disposition Approved on Date:
Disposition Authority: boyleja
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
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Document Unique ID: 00
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Enclosure: n/a
Executive Order: N/A
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Review Comment: n/a
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